

**DECLARATION OF DAVID R. VANCE**  
**(supporting Defendants' Motion for Summary Judgment)**

I, David R. Vance, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 and have personal knowledge of the facts included herein.
2. I, along with Patrick Hoban, am counsel of record for Defendants the City of Cleveland and Nicole Carlton regarding the lawsuit filed by Plaintiff Jamie Marquardt ("Marquardt"), which is currently before Judge Solomon Oliver, Jr. as Case No. 1:18-cv-00333-SO.
3. In response to discovery Defendant Nicole Carlton issued to Marquardt, Marquardt produced his Facebook Information. As part of this production of his Facebook Information, Marquardt produced, among numerous others, the following Facebook communications, which Facebook attributed to Marquardt:
  - A November 24, 2014 Facebook post stating, "Bebe, fuck these little ghetto rats that kill innocent people. You, as I would, would bust our kids asses before they reached that point..."
  - A November 28, 2014 Facebook post referring to Tamir Rice as a "street thug".
  - A December 7, 2014 Facebook message stating, "I had one of our black dispatchers ask me the other day why the police car had to pull the car up so close to Tamir. (Tamir is the African name for pistol holding criminal nigger with no parental supervision). I told her the police should have bounced his skull off of the under carriage of the police car. She filed racist charges against me. I had to laugh."
  - A January 9, 2016 Facebook comment stating, "Tamir Rice is dead. Good."

FURTHER DECLARANT SAYETH NAUGHT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 27, 2019

  
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DAVID R. VANCE

**EXHIBIT  
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